

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Minutes of the Monthly Meeting
1401 Rockville Pike, 5th Floor, Rockville, MD 20850
August 7, 2019

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:02pm by Chairman Mark Fine

Commissioners present: [12] BURROWS, ETHIER, FINE, GARDNER, GIZA, MALAMUD, MYO KHIN, PERPER, SMITH, STEINBACH, VINEY, YOUNG

Commissioners absent: GELFOUND

Staff present: Walter Wilson, Associate County Attorney; Ife Fabayo, Staff

Guests: Richard Kuziomko [Kenwood Condo], Linda Moore [Hampshire Greens], Ginger Naglee [Tanterra], JoEllen Bilanin [Tanterra], Mr & Mrs Ron Krams [Mutual 14 Condo], Mr & Mrs Ahmad Moghaddan [The Forum condo], Bilingne Senbet [Hill Top Condo], Sarah Laffert [Tanterra], Ephram Harel, Hamid Sichani, Gabriel Jenkins, Heather Kenney

1. **Introduction of new commissioners:** The Chair officially introduced Phillip Giza [professional], John Smith [resident], and Gordon Young [professional]. The County Council is to advertise for two more commissioners.

The Chair also told the Commission that he is in consultation with the County Council regarding a new status, "Commissioner Emeritus", which will provide for former commissioners' assistance, yet to be defined.

2. **Amendment to the agenda:** Commissioner Ethier moved to amend the agenda, adding case #2019-070, Washington v. Silverton Condominium. Motion was approved by unanimous consent.
3. **Minutes approved:** Commissioner Burrows moved to approve the minutes of the June 5, 2019 monthly meeting as presented. [No meeting was held in July.] The motion was approved by unanimous consent.
4. **Community Forum:** After a few questions were posed by residents from a single coc, the Chair pointed out that questions pertaining to ongoing disputes, no matter how hypothetical, were out of order.
5. **Submission of disputes for Commission consideration:**

Jurisdiction - Default cases:

#2018-047, Longmead Crossing CSA v. Cockfield [settled/withdrawn]

#2019-063, Snowden v. Olney Towne Association, Inc. - Respondent failed to respond; after discussion, Commissioner Viney moved to accept jurisdiction and refer the case to a default hearing. The motion was approved by unanimous consent.

Jurisdiction - Contested cases:

#2019-070, Washington v. Silverton Condominium [Commissioner Steinbach recuses] Mediation was not attempted as staff believe it would be futile. The Respondent's request to lift the stay was denied, after which Respondent requested an expedited hearing. After discussion, Commissioner Ethier moved to accept jurisdiction and refer the case to a hearing panel. The motion was approved by unanimous consent. Commissioner Ethier then moved to expedite scheduling of the hearing. The motion was approved by unanimous consent.

#2019-020, Moghaddam v. The Forum Condominium [Commissioner Gardner recuses] - After discussion, Commissioner Viney moved to accept jurisdiction and refer the case to a hearing panel. The motion was approved by unanimous consent.

#2019-021, Edelstein v. Kenwood Condominium [Commissioner Perper recuses] - After discussion, Commissioner Myo Khin moved to accept jurisdiction and refer the case to a hearing panel. The motion was approved by unanimous consent.

#2019-028, Theodory v. Kenwood Condominium [Commissioner Perper recuses] - After discussion, Commissioner Myo Khin moved to **reject jurisdiction**. The motion was approved by a majority vote, Commissioner Burrows and Viney voting against.

#2019-038, Kenney v. Cherington Condominium [Commissioner Steinbach recuses] - After discussion, Commissioner Burrows moved to accept jurisdiction and refer the case to a hearing panel. The motion was approved by a majority vote, Commissioner Malamud voting against.

#2019-046, Altayework Berhaneselassi & Bilingne Senbet v. Hill Top Condominium – The case is recalled after a decision on jurisdiction was deferred in June to give complainant opportunity to supplement complaint. After discussion, Commissioner Myo Khin moved to accept jurisdiction and refer the case to a hearing panel. The motion was approved by unanimous consent.

#2019-054, Krams v. Mutual 14 Condominium of Rossmoor [Commissioner Viney recuses] - After discussion, Commissioner Malamud moved to accept jurisdiction and refer the case to a hearing panel. The motion was approved by unanimous consent.

#2019-062, Johnson v. Rock Creek Condominium [Commissioner Perper recuses] - After discussion, Commissioner Ethier moved to accept jurisdiction and refer the case to a hearing panel. The motion was approved by unanimous consent.

6. **Decisions & Orders Issued:** Commissioner Viney moved to waive the reading of the full Decisions. The motion was approved by unanimous consent. Staff gave a summary of the cases and decisions.

#2019-014, Hogarth v. Wintergate at Longmead Condominium

#2019-029, Talley v. New Mark Commons Association, Inc.

7. **Decisions & Orders on Appeal (Circuit Court for Montgomery):**

#2018-037, Hypolite v. Longmead Crossing CSA – CCOC's decision overturned. [Panel chair improperly overruled majority decision.]

#2018-040, Dillin et al, v. The Willoughby of Chevy Chase and

#2018-061, Nadri v. The Willoughby of Chevy Chase (consolidated)

8. **County Attorney's report:** Decision & Order under review - Shapiro v. Midtown North
9. **DHCA report:**
 - a. The statistical report for July & August 2019 was circulated at the meeting for discussion.
 - b. DHCA is actively working with City of Rockville to register and collect fees from previously un-registered condominiums.
 - c. DHCA/CCOC Meet & Greet planned for coc registration in Gaithersburg & Poolesville
 - d. DHCA/CCOC working with Tacoma Park 'distressed' condominiums through the Distressed Community Task Force.
10. **Chair's report:**

Tim Goetzinger will return to his former responsibilities as DHCA Director of Finance. The new Deputy Director is Frank Demarais.

Training: The Chair distributed a list of training obligations for new commissioners; "Community Governance Fundamentals for Boards of Directors" [aka "Board Training"] will be presented by every commissioner on a rotating basis; financial training classes will be presented by members of the Education Committee.

"CCOC-guaranteed loan" \$3 million in a recurring fund administered by MOCO Green Bank to fund capital improvements. This fund is separate from the Green Bank's mission to fund energy-efficient projects.

NB: New email address: Mark.Fine@montgomerycountymd.gov
11. **Committee reports:**
 - a. Education Committee: Chair named committee members – Commissioners Steinbach, Perper, Myo Khin, Giza, Smith, Gelfound, and Fine.
 - b. Legislative Committee: Chair named committee members – Commissioners Gardner, Viney, Young, and Fine. Committee assigned mission to discuss and rewrite 10-B, and to coordinate legislative agenda with Delegates Barnes & Holmes, champions of coc legislation in Annapolis.
 - c. IT/Process & Procedures Committee: Chair named committee members – Commissioners Burrows, Ethier, Malamud, and Fine.
11. Old business: None
12. New business: None
13. Adjourned at 9:15 pm

Next meeting Wednesday, SEPTEMBER 4, 2019 at 7:00pm

Submitted by Kathy Viney,
Recording Secretary